

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN CHRISTOPHER COFFER,
Plaintiff,
v.
SINGH, et al.,
Defendants.

No. 2:24-cv-3247 CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and plaintiff has consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c).

Plaintiff requests leave to proceed in forma pauperis. As plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a), his request will be granted. Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding month's income credited to plaintiff's prison trust account. These payments will be forwarded by

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1 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account
2 exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 The court is required to screen complaints brought by prisoners seeking relief against a
4 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The
5 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally
6 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek
7 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

8 The court has reviewed plaintiff's complaint and finds that it fails to state a claim upon
9 which relief can be granted under federal law. Plaintiff's complaint must be dismissed. The
10 court will, however, grant leave to file an amended complaint.

11 Plaintiff complains about conditions of confinement. Plaintiff is informed that conditions
12 of confinement can amount to cruel and unusual punishment and therefore violate the Eighth
13 Amendment. Farmer v. Brennan, 511 U.S. 825, 833 (1994). A prison official may be held liable
14 for subjecting an inmate to harmful conditions of confinement if a prisoner can show sufficiently
15 serious injury and that the prison official was deliberately indifferent to the risk of harm. Id. at
16 834, 837. Thus, the relevant inquiry is whether prison officials, "acting with deliberate
17 indifference, exposed a prisoner to a sufficiently substantial risk of serious damage to his future
18 health." Id. at 834 (internal quotation omitted).

19 In his amended complaint, plaintiff must allege in specific terms how each named
20 defendant is involved. There can be no liability under 42 U.S.C. § 1983 unless there is some
21 specific, affirmative link or connection between a defendant's actions and the claimed
22 deprivation. Rizzo v. Goode, 423 U.S. 362 (1976). Furthermore, vague and conclusory
23 allegations of official participation in civil rights violations are not sufficient. Ivey v. Board of
24 Regents, 673 F.2d 266, 268 (9th Cir. 1982).

25 Finally, plaintiff is informed that the court cannot refer to a prior pleading in order to
26 make plaintiff's amended complaint complete. Local Rule 220 requires that an amended
27 complaint be complete in itself without reference to any prior pleading.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 4) is GRANTED.

3 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees
4 shall be collected and paid in accordance with this court's order to the Director of the California
5 Department of Corrections and Rehabilitation filed concurrently herewith.

6 3. Plaintiff's complaint is dismissed.

7 4. Plaintiff is granted thirty days from the date of service of this order to file an amended
8 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
9 Procedure, and the Local Rules of Practice. The amended complaint must bear the docket
10 number assigned this case and must be labeled "Amended Complaint." Failure to file an
11 amended complaint in accordance with this order will result in a recommendation that this action
12 be dismissed.

13 Dated: February 26, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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